

Any Dkt No. 2001-072-TOU

S/N. 10/034,952
Response to Office Action of June 15, 2005

Remarks

Claims 1-13 remain pending in this application after entry of this paper. Applicants believe that the invention is patentable. Claims 1-2, 4-6, and 11-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nissl (U.S. Patent No. 6,530,023) in view of Hartman (U.S. Patent No. 5,500,897). Claims 3 and 7-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nissl in view of Hartman in further view of Esker (U.S. Patent No. 6,236,277). Claims 9-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Nissl in view of Hartman in further view of Watson (U.S. Patent No. 6,775,704).

Claim 1 recites a trusted high stability time source for use with a digital time stamping service and a trusted external time source. The published time from the published time source of the trusted high stability time source is used for the time stamping operation. The published time is updated with the public time update if an update condition is satisfied. The update condition is based in part on a time difference between the private time and the published time update. This approach to implementing a trusted high stability time source overcomes certain problems in the prior art explained in the specification on page 1, lines 7-26.

Nissl describes a particular approach to updating an internal time source based on an external time source, where certain conditions must be met prior to proceeding with the update. In attempting to read claim 1 on Nissl, the Examiner deems that the last valid time signal tE that is stored in Nissl is a published time source. Applicants contend that this last valid time signal tE is not a published time source indicating a published time as recited by claim 1 as this last valid time signal tE is only a particular time signal as opposed to being a time source.

To the extent that the Examiner maintains the position that the signal tE is a published time source even though Applicants have given reasons above why it is not, Nissl still has shortcomings. Again, it is the published time source in the trusted high stability time

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source of claim 1 that is used for time stamping. To the extent that the Examiner considers signal tE to be a published time source, Applicants note that Nissl describes using the internal time signal of an internal clock in the device for time stamping (abstract), or, as noted by the Examiner, using the DCF77 signal after validation (column 7, lines 40-41).

The Examiner refers to the last valid time signal tE as the claimed published time source and also refers to the DCF77 signal as the claimed published time source. Claim 1 specifically recites a published time source indicating a published time in combination with other limitations involving this particular published time source. Applicants contend that the Examiner must settle on a particular reading of Nissl and specify which element of Nissl the Examiner is deeming to be the claimed published time source.

Applicants maintain that the tE signal is not a time source, but is only a particular time that is stored. To the extent that the Examiner deems tE to be the published time source, Applicants note that Nissl does not use this stored value for time stamping, but only for validation of the received time signal. To the extent that the Examiner deems that the DCF77 signal is the published time source, Applicants note that this signal is not part of the Nissl device, but is an external signal. This external signal is a trusted signal and thus is not updated upon satisfaction of an update condition. In either reading of Nissl, there are serious deficiencies that are not overcome by the secondary reference, Hartman.

The Examiner has relied on Hartman only to suggest sending a request to a trusted external time source for a time update. The various aspects of the invention that have been explained above as not being present in Nissl are also not suggested by Hartman. Thus, there is no motivation to combine these references to achieve the claimed invention. After all, the DCF77 signal in Nissl is the trusted external signal and there is no motivation to provide any updates for this signal. As well, this signal is not a component of the device, but is the external trusted time source.

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Regarding claim 2, although Nissl does describe a PC plug-in card, claim 2 specifically recites that both the private time source and the published time source are mounted to the printed circuit board. Applicants remind the Examiner that Nissl only describes an internal time source that is updated using an external source and fails to describe the public and private time sources of the invention, let alone describe the printed circuit board with these elements mounted thereon. As well, the DCF77 signal is the trusted external signal and it would go against the principles of Nissl to suggest moving the source of the signal to the PC plug-in card.

Claims 4-6 and 11-13 recite more detailed aspects of the updating procedure of the invention as well as a tamper proof enclosure. There is no suggestion of combinations including these more detailed aspects of the invention as recited in these dependent claims.

Regarding claims 3 and 7-8, these claims are also believed to be patentable. Worth noting is the fact that claim 3 specifically recites first and second crystal oscillators stabilizing the private and published time sources. To the extent that the Examiner deems the signal to be as the published time, this is only a stored value and there is no motivation to provide any stabilizing crystal oscillator.

Claims 9 and 10 are dependent claims and are also believed to be patentable for at least the reasons given above.

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For the reasons given above, claims 1-13 are believed to be patentable, and allowance of these claims is respectfully requested.

Respectfully submitted,

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